IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Crl.MC.No. 4730 of 2003()

(RPF CRIME NO. 6/03 UNDER SECTION 142(B) AND 143 OF THE RAILWAYS ACT)

PETITIONER: COMPLAINANT:

INSPECTOR,
RAILWAY PROTECTION FORCE, SOUTHERN RAILWAY,
ERNAKULAM.

BY ADV. SRI.K.V.SADANANDA PRABHU,SR.SC.RAILWAYS
SRI.ALEXANDER THOMAS, SC,RAILWAYS

RESPONDENTS: ACCUSED:

P.T.GEORGE, AGED 37 YEARS,
S/O. P.D.THOMAS, SAYANORA TRAVELS,
RUQUIA CHAMBERS, 40/4513, T.D. ROAD, COCHIN-35.

BY ADV. SRI.P.V.GEORGE(PUTHIYIDAM)

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. M.C. NO. 4730 OF 2003

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Dated this the 24th day of October, 2007

O R D E R

The dispute centers around a Computer which was seized by the Railway Protection Force. A Computer owned by the respondent was seized by the Railway Protection Force alleging that it was used for creating unauthorised reservation tickets. On 15.9.2003 this Court issued a direction to the Magistrate to consider the request of the RPF to retrieve the print out of the datas stored in the computer. Subsequently, the accused approached this Court by filing Crl. M.C. No.4491 of 2003. In that case a direction was issued to return the Computer to the petitioner therein after retrieving the datas stored in the computer and the accused executing a bond for Rs.50,000/- with two solvent sureties each for the like amount. He was also directed not to tamper with the hard disc of the Computer and directed to keep the Computer in tact. Subsequently, this Crl. M.C. was filed by the RPF alleging that the accused did not give the password and without getting the password it is not possible to get

access to the datas stored in the computer. On 1.10.2003, I had passed an interim order to the Magistrate not to return the Computer. Thereafter the case is coming up for hearing today. The grievance of the petitioner is that the accused did not co-operate with the investigation and he did not furnish the password for retrieving the datas stored in the hard disc. It is admitted by both sides that investigation of the case was over and final report was filed. A private complaint was filed by the investigating team. The learned Magistrate took cognizance of the offence and the same is pending as C.C. No.1490 of 2005. It is also submitted that in view of the order passed by this Court Magistrate refused to issue a direction to the accused to furnish the password. No such restriction was imposed in the order passed by this Court in Crl.M.C. No.4491 of 2003. If the Magistrate had refused to issue a direction on the ground that this Court had imposed any such restriction, that is not correct. It is for the petitioner to approach the Magistrate and get appropriate orders in the matter. I make it clear that it is open to the Magistrate to deal with the petitions, if any, filed and pass orders in accordance with law

and there is no bar for entertaining and disposing such of the petitions on account of the order passed in Crl. M.C. No.4491 of 2003 or in this case.

Crl. M.C. is disposed of as above.

Criminal Miscellaneous Application No.10104 of 2003 shall stand dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. M.C. NO. 4730 OF 2003

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O R D E R

24TH OCTOBER, 2007